

POLICY

It is the policy of the Michigan Department of Human Services (DHS) Bureau of Juvenile Justice (BJJ) that trained Michigan Protection and Advocacy Service, Inc. (MPAS) advocates are permitted reasonable access to youths who may be eligible for special education or mental health services. MPAS is the agency designated by the Governor as the federally mandated protection and advocacy system for Michigan.

PURPOSE

This policy ensures external advocacy services are available to eligible youth.

DEFINITIONS

See JRG, JJ Residential Glossary.

**RESPONSIBLE
STAFF**

Designated in the facility standard operating procedure.

PROCEDURE

Each facility is required to develop and implement standard operating procedures (SOPs) relative to Michigan Protection and Advocacy Service, Inc. access to the facility. At a minimum, these SOPs must contain the following requirements:

**Eligibility for
Services**

DHS permits reasonable access for Michigan Protection and Advocacy Service, Inc. (MPAS) to provide services to eligible youths at BJJ facilities.

Eligible youths include:

- Any youth who suffers from a severe and chronic condition that can be attributed to a mental or physical impairment (or a combination of the two) which results in delayed or disrupted development.
- Any youth who has a significant mental illness or emotional impairment, as determined by a mental health professional.

Notification

Upon MPAS request, the facility/center director or designee provides MPAS with a list of youth who may be eligible for their services.

The facility/center director or designee ensures a notice advising of MPAS access to youths is sent to the parents or guardians of all youths:

- At admission to the facility.
- Annually.

The notice to parent(s)/legal guardian contains the name and title of the individual to whom a written objection to MPAS services may be submitted.

**Parental
Consent/Objection**

MPAS has access to eligible youths unless the parent(s)/legal guardian objects in writing.

If a parent/legal guardian provides a written objection to MPAS services, MPAS is not allowed any visitation with the youth and reasonable steps are taken to ensure the youth is not present during group or classroom visits by trained MPAS representatives.

If the youth is under eighteen (18) years of age and for any reason the youth and the parent do not agree on consent, the parent's decision is recognized.

If the youth wish to meet with MPAS and the parent(s)/legal guardian has objected in writing, the parent(s)/legal guardian decision is recognized.

If the youth is eighteen (18) years old or older, he/she may grant consent for MPAS Services.

Once a written objection is received, MPAS must have parent(s)/legal guardian written permission to provide services to eligible youth.

**MPAS Access to
Facilities and
Grounds**

MPAS provides each facility with a current list of all trained and insured MPAS advocates and attorneys who may seek access to the facility.

The facility/center director or designee ensures this list is available to personnel monitoring access to the facility and/or grounds.

Only MPAS advocates and attorneys on the list are admitted into facilities. Admission requires presentation of an MPAS identification card, or an MPAS business card and picture identification.

- MPAS advocates and attorneys are provided immediate access between the hours of 8:00 a.m. and 5:00 p.m.
- When MPAS requests access to facilities between 5:00 p.m. and 8:00 a.m. to investigate a particular complaint, MPAS provides twenty-four (24) hour advance written notice to the facility/center director or designee, or the BJJ director.
- In the event of an emergency, MPAS may obtain access by telephoning the facility/center director or designee, or the director of the BJJ Residential Facilities Division. That person ensures:
 - Reasonable access to facilities is made available.
 - Notifies personnel monitoring access to the facility and/or grounds of the visit.

Access to Youth

Unless a parent/guardian has objected in writing, MPAS has access to eligible youths to:

- Inquire about any complaints.
- Inform youths of their rights.
- Make visual inspections.

The facility/center director or designee allows access for the above purposes if they are conducted in a reasonable manner and do not unduly interfere with the facility's programs and treatment responsibilities.

MPAS personnel are not present during confidential individual or group meetings, absent consent by all parties.

Any unresolved difficulties with MPAS personnel regarding access to youths are referred to the BJJ Director within ten (10) working days.

Written Records

MPAS advocates or attorneys provide the written consent of the youth's parent/legal guardian to access a youth's file or other written records.

Given written consent, the facility/center director or designee allows MPAS reasonable access to copy a youth's records.

If the youth is eighteen (18) years old or older, the youth may provide written consent to copy the records.

Note: MPAS may view the files of MCI wards. Also, if MPAS attempts to contact the responsible adult and no response is received, MPAS may access the youth's records.

Use of Telephone and Meeting Space

The facility/center director or designee ensures reasonable access to:

- A telephone for youth to contact MPAS in reasonable privacy.
- Upon request, an appropriate meeting space that is lighted and contains at least two chairs and an elevated writing surface.

AUTHORITY

Mental Health Code, MCL 330.1931

Public Health Code, MCL 333.16101 et seq.

Social Welfare Act, MCL 400. 115a (1)(l)

Developmental Disabilities Assistance And Bill Of Rights Act Of 2000, 42 USC 15000 et seq.

Advocacy for Mentally Ill Individuals Act, 42 USC 10801 et seq.

Written Agreement between MPAS and DHS (DSS), April 1994